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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 12 June 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In addition to my previous letters addressed to the Secretary-General dated 10, 14 and 25 May 2010 (A/64/782-S/2010/239, A/64/784-S/2010/249 and A/64/795-S/2010/258) and referring to the letters dated 18 and 27 May 2010 from the Permanent Representative of the Republic of Armenia to the United Nations (A/64/785-S/2010/246 and A/64/798-S/2010/273), I have the honour to draw your attention to the reaction of the international community to the illegal "parliamentary elections" held on 23 May 2010 in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan (see annex).

In their statements and communications, the international organizations and individual States voiced their unequivocal protest against the aforementioned "elections" and declared this provocative action null and void. Accordingly, it has been made clear that, against the background of continuing aggression, occupation and ethnic cleansing of the captured territories of Azerbaijan, the arranging of any kind of voting process in these territories cannot be recognized as legally valid and in no way can impose a unilateral solution. The clearly expressed unanimity of the international community confirms that the attempts to give the ethnically constructed, subordinate separatist regime set up by Armenia in the occupied territories of Azerbaijan the appearance of legitimacy, independence and democracy is, a priori, doomed to failure.

It is therefore regrettable that Armenia, instead of negotiating in good faith with a view to finding a durable solution to the conflict as soon as possible, based on the norms and principles of international law, decided to act in a manner contrary to the position of the international community and remain in isolation with its destructive political agenda that is fated never to be realized.

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The letters dated 18 and 27 May 2010 from the Permanent Representative of the Republic of Armenia to the United Nations and the comments made by the political leadership of the Republic of Armenia on the eve and after the holding of the illegal "parliamentary elections" contravene that country's declared commitment to the constructive and international-law-based solution to the conflict between Armenia and Azerbaijan. This in turn illustrates the obvious lack of credibility of the official Yerevan assurances of good intentions.

In addition to posing a serious threat to political settlement perspectives, the stance of Armenia purports to advocate the culture of impunity and promote dangerous ideas of superiority and expansionism based on unconcealed ethnic and religious prejudices prevailing in this country's policy and practice. Thus, it has been thoroughly documented and internationally recognized that Armenia bears the primary responsibility for unleashing war against Azerbaijan, occupying its territories, committing the most serious international crimes during the conflict, carrying out ethnic cleansing and creating a monoethnic culture in the captured Azerbaijani territories. It is therefore curious that, against this background and in the context of the reaction of the international community to the illegal "parliamentary elections" held on 23 May 2010 in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan, the Armenian propaganda refers without scruple to the "fundamental democratic values" allegedly adhered to by the subordinate separatist entity, and has the cheek to claim a right to this product of aggression and outrageous manifestation of ethnic differentiation to determine its own destiny.

In this regard, I have been instructed by my Government to state, once again, that the conflict between Armenia and Azerbaijan can only be solved on the basis of respect for the sovereignty, territorial integrity and inviolability of the internationally recognized borders of Azerbaijan, and peaceful coexistence of Armenian and Azerbaijani communities in the Nagorno-Karabakh region within the territorial framework of Azerbaijan, fully and equally enjoying the benefits of democracy and prosperity. For the purposes of peaceful resolution of the conflict, there is no alternative to this formula, which is therefore at the core of the ongoing settlement process, mediated by the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), and which represents the foundation for establishing peace, security, stability and sustainable development in the region as well as for democratically and lawfully organizing the public life of its population.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 14 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

Annex to the letter dated 12 June 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Reaction of the international community to the illegal "parliamentary elections" held on 23 May 2010 in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan

Below are excerpts from statements and communications of international organizations and individual States:

In the letter dated 24 March 2010 from the Secretariat of the United Nations addressed to the Permanent Mission of the Republic of Azerbaijan to the United Nations on behalf of the Secretary-General, respect for the sovereignty of the Republic of Azerbaijan over its Nagorno-Karabakh region was unambiguously expressed, the so-called "parliamentary elections" were qualified as fictitious and the Azerbaijani side was assured that the United Nations was not involved in their conduct. According to the letter, "the Secretary-General is encouraged by the positive dynamic recently observed in the Nagorno-Karabakh peace process" and "hopes that Armenia and Azerbaijan will sustain this momentum and achieve a breakthrough in the conflict settlement process".[a]

The European Parliament, in its resolution of 20 May 2010 on the need for a European Union strategy for the South Caucasus, confirmed, inter alia, "the position that the EU does not recognize the constitutional and legal framework in which the elections in the breakaway territories take place and defends the political rights of displaced persons".[b]

The High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, stated on 21 May 2010 that "the European Union does not recognize the constitutional and legal framework within which the 'parliamentary elections' in Nagorno Karabakh will be held this Sunday" and that "[t]his event should not prejudice the peaceful settlement of the Nagorno-Karabakh conflict".[c]

According to the statement made by the General Secretariat of the Organization of the Islamic Conference (OIC) on 23 May 2010, "the [OIC] deemed the parliamentary elections held in the occupied Azerbaijani territories of Nagorno-Karabakh on 23 May 2010 illegal and in contravention of the Geneva Convention and the resolutions of the United Nations Security Council, the Organization of the Islamic Conference and the Organization for Security and Cooperation in Europe (OSCE)". The OIC General Secretariat called on the international community to condemn this process and deem it illegitimate, and reiterated the constant principled stand of OIC in supporting the efforts of the Republic of Azerbaijan towards a

[a] Letter from the Secretariat of the United Nations addressed to the Permanent Representative of the Republic of Azerbaijan to the United Nations, New York, 24 March 2010.

[b] European Parliament resolution on the need for an EU strategy for the South Caucasus (2009/2216(INI)), 20 May 2010, para. 21. See http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0193+0+DOC+XML+V0//EN&language=EN.

[c] European Union, Statement by High Representative Catherine Ashton on Nagorno Karabakh, Brussels, 21 May 2010, A 84/10. See http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114603.pdf.

peaceful resolution of the conflict on the basis of the relevant international resolutions.[d]

The Chairperson-in-Office of OSCE, Secretary of State and Minister for Foreign Affairs of Kazakhstan Kanat Saudabayev, stated on 24 May 2010 that "[t]he 'parliamentary election' in Nagorno-Karabakh should in no way influence the outcome of the process of the conflict resolution". According to the OSCE Chairperson-in-Office, "[s]ince the OSCE supports the territorial integrity of Azerbaijan and does not recognize the independence of Nagorno-Karabakh, the holding of a 'parliamentary election' has no bearing or influence on the process of the Nagorno-Karabakh settlement".[e]

The Co-Chairs of the OSCE Minsk Group, Ambassador Igor Popov of the Russian Federation, Bernard Fassier of France and Robert Bradtke of the United States of America, in their statement dated 24 May 2010 "took note that so-called parliamentary elections took place in Nagorno-Karabakh on 23 May, 2010" and underscored again that "Nagorno-Karabakh is not recognized as an independent and sovereign state by any of their three countries, nor by any other country, including Armenia". According to the Co-Chairs of the OSCE Minsk Group, "this procedure should not preempt the determination of the final legal status of Nagorno-Karabakh in the broader framework of the peaceful settlement of the Nagorno-Karabakh conflict".[f]

The Chairmanship of the Committee of Ministers of the Council of Europe, in its declaration dated 26 May 2010, made it clear that "the 'parliamentary elections' organized in Nagorno Karabakh on 23 May 2010 are not recognized by the international community" and called on all parties concerned "to intensify their efforts to find a peaceful solution to the conflict, in accordance with the commitment undertaken by Armenia and Azerbaijan upon accession to the Council of Europe".[g]

The Ministry of Foreign Affairs of the Republic of Turkey stated on 20 May 2010 that the so-called "parliamentary elections", which were considered "to be part of a unilateral effort to legitimize the de facto unlawful situation in Nagorno-Karabakh, constitute a clear breach of international law as well as related resolutions [of the United Nations Security Council] and OSCE principles". According to the position of Turkey, "the Nagorno-Karabakh conflict, which represents the most important obstacle for the establishment of peace, stability and security in the South Caucasus, also prevents the emergence of a situation conducive to the development of good-neighbourly relations and cooperation among the countries in the region". The Turkish Foreign Ministry has further pointed out that "at the current stage, where intensified negotiations directed at peaceful resolution of the Nagorno-Karabakh issue and the conflict between Azerbaijan and Armenia

[d] The Organization of the Islamic Conference condemns the Holding of Parliamentary Elections in Occupied Nagorno-Karabakh, 23 May 2010. See http://www.oic-oci.org/topic_detail.asp?t_id=3791&x_key=.

[e] OSCE Chairperson-in-Office comment on the "parliamentary election" in Nagorno-Karabakh, Astana, 24 May 2010. See http://www.osce.org/item/44073.html.

[f] Statement by the Co-Chairs of the OSCE Minsk Group, Moscow/Paris/Washington, 24 May 2010. See http://www.osce.org/item/44058.html.

[g] Chairmanship of the Committee of Ministers: Declaration on the "parliamentary elections" held in Nagorno Karabakh on 23 May 2010, Strasbourg, 26 May 2010. See http://www.coe.int/t/dc/press/news/20100526_cm_en.asp.

continues under the auspices of the OSCE Minsk Group, holding 'parliamentary elections' in the occupied territory of Nagorno-Karabakh is clearly an attempt which will adversely affect the ongoing efforts for the peaceful solution of this problem". In this regard, "while deploring this act which violates Azerbaijan's political unity, sovereignty and territorial integrity", Turkey stated that it "will not recognize the results of these illegal elections which are certainly null and void in terms of international law".[h]

The Ministry of Foreign Affairs of the Russian Federation stated on 24 May 2010 that "Russia supports the principle of territorial integrity of Azerbaijan, as well as other fundamental norms and principles of international law" and that it "do[es] not recognize Nagorno-Karabakh as an independent state". The Ministry further pointed out that "Moscow does not believe that the course of the peaceful settlement of the conflict could depend on the elections in Nagorno-Karabakh".[i]

The Ministry of Foreign Affairs of Romania stated on 25 May 2010 that Romania did not recognize the so-called "parliamentary elections" in Nagorno-Karabakh as legitimate and that it adhered to "its consistent position of refusal to recognize the independence of the Nagorno-Karabakh region".[j]

The Ministry of Foreign Affairs of the Netherlands, in its communication dated 25 May 2010 regarding the so-called "parliamentary elections" in Nagorno-Karabakh, informed that the Netherlands "supports the territorial integrity and sovereignty of the Republic of Azerbaijan".[k]

According to the statement released on 25 May 2010 by the Embassy of France in Azerbaijan, France, along with the European Union and the whole international community, including Armenia, does not recognize the independence of Nagorno-Karabakh and proceeds from the position that the so-called "elections" held there on 23 May 2010 can in no way affect the perspectives of the ongoing settlement process and prejudge the determination of the future status of Nagorno-Karabakh in the general framework of the settlement.[l]

The Ministry of Foreign Affairs of the Islamic Republic of Iran stated on 26 May 2010 that Iran did not recognize the "parliamentary elections" in Nagorno-Karabakh. The Ministry also rejected reports that Iran had sent an observer to the elections, saying that nobody had taken part in this action as Iranian observer.[m]

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[h] Ministry of Foreign Affairs of the Republic of Turkey, 20 May 2010, press release regarding the so-called "parliamentary elections" to be held on 23 May 2010 in the Azerbaijani Territory of Nagorno-Karabakh. See http://www.mfa.gov.tr/no_-106_-20-may-2010_-press-release-regarding-the-so-called-_parliamentary-elections_--to-be-held-on-23-may-2010-in-the-azerbaijani-territory-of-nagorno-karabakh.en.mfa.

[i] Ministry of Foreign Affairs of the Russian Federation, Commentary by spokesman Andrei Nesterenko on the "parliamentary elections" in Nagorno Karabakh on May 23, 2010. Moscow, 24 May 2010. See http://www.mid.ru/brp_4.nsf/0/D05FCC170B7BBADFC325772E0020F492.

[j] Ministry of Foreign Affairs of Romania, "Situation in Nagorno-Karabakh", 25 May 2010. See http://www.mae.ro/index.php?unde = doc&id=15588.

[k] Note by the Ministry of Foreign Affairs of the Netherlands addressed to the Embassy of the Republic of Azerbaijan in the Netherlands, The Hague, 25 May 2010.

[l] Embassy of France in the Republic of Azerbaijan, "Déclaration Haut-Karabakh", 25 May 2010. See http://ambafrance-az.org/france_azerbaidjan/spip.php?article1184.

[m] Ministry of Foreign Affairs of the Islamic Republic of Iran, "*Iran does not recognize parliamentary poll in Nagorno-Karabakh: FM Spokesman*", Tehran, 26 May 2010.

The Royal Norwegian Embassy in Azerbaijan, in its communication dated 26 May 2010 informed that "Norway recognizes the territorial integrity of Azerbaijan in accordance with the relevant resolutions of the United Nations Security Council" and therefore "consider[s] the 'parliamentary elections' in Nagorno-Karabakh to be illegitimate".[n]

The Ministry of Foreign Affairs of the People's Republic of China stated on 27 May 2010 that "China's position on the Nagorno-Karabakh issue is clear and consistent, and remains unchanged". China expressed its hope that "the relevant parties find a solution acceptable to all through consultations and dialogues based on the universally recognized principles of international law and the relevant United Nations Security Council resolutions to resolve the Nagorno-Karabakh issue peacefully". It has further been stated that "this not only serves the interests of Azerbaijan and Armenia, but also contributes to regional peace, stability and development".[o]

The Ministry of Foreign Affairs of Georgia, in its statement of 27 May 2010, "reiterat[ed] its firm support for the sovereignty and territorial integrity of the Republic of Azerbaijan" and pointed out that it "does not recognize the so-called 'parliamentary elections' conducted in Nagorno Karabakh on 23 May 2010".[p]

The Embassy of the Kingdom of Morocco in the Republic of Azerbaijan, in its communication dated 27 May 2010, reiterated "Morocco's support to the territorial integrity and sovereignty of the Republic of Azerbaijan". Being convinced that "the respect for the relevant resolutions of the United Nations and the Organization of Islamic Conference on Nagorny Karabakh by the parties is necessary to the peaceful resolution of this conflict", the Kingdom of Morocco "shar[ed] the view that organizing elections in Nagorny Karabakh undermines the current process of negotiations dedicated to resolve this conflict".[q]

The Ministry of Foreign Affairs of the Republic of Hungary, in its communication dated 31 May 2010, informed that Hungary "remains firm in her position on the settlement of the conflict in Nagorno-Karabakh" and "broadly shares the common EU stand on this issue emphasizing that the settlement must be achieved by peaceful and negotiated means, taking into consideration of the territorial integrity and the sovereignty of the Republic of Azerbaijan". As to the "elections" of 23 May 2010 in Nagorno-Karabakh, "the Ministry ... call[ed] attention to the statement of the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, of 21 May 2010, underlining that the European Union does not recognise the constitutional and legal framework within which the 'parliamentary elections' in Nagorno-Karabakh were held". It has

[n] Note by the Royal Norwegian Embassy addressed to the Ministry of Foreign Affairs of the Republic of Azerbaijan, Baku, 26 May 2010.

[o] Ministry of Foreign Affairs of the People's Republic of China, remarks by *Foreign Ministry spokesperson Ma Zhaoxu on the election in the Nagorno-Karabakh area*, 27 May 2010. See http://big5.fmprc.gov.cn/gate/big5/www.china-un.org/eng/fyrth/t697454.htm.

[p] Ministry of Foreign Affairs of Georgia, statement on Nagorno Karabakh, Tbilisi, 27 May 2010. See http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=59&info_id=12124.

[q] Note by the Embassy of the Kingdom of Morocco to the Ministry of Foreign Affairs of the Republic of Azerbaijan, Baku, 27 May 2010.

further been pointed out that "this event should not prejudice the peaceful settlement of the Nagorno-Karabakh conflict".[r]

In its communication dated 8 June 2010 regarding the so-called "parliamentary elections" in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan, the Permanent Mission of Peru to the United Nations "reaffirm[ed] its respect to the principles of sovereignty and territorial integrity of States, the inviolability of internationally recognized borders and the inadmissibility of using force to acquire territory" and called on the parties to refrain from any action that hinders the settlement of the conflict. It has been also pointed out that "Peru supports the efforts that, with a view of resolving the conflict, have been ongoing in the framework of the United Nations and the Minsk Group of the OSCE".[s]

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[r] Note by the Ministry of Foreign Affairs of the Republic of Hungary addressed to the Embassy of the Republic of Azerbaijan to the Republic of Hungary, Budapest, 31 May 2010.

[s] Note by the Permanent Mission of Peru to the United Nations addressed to the Permanent Mission of the Republic of Azerbaijan to the United Nations, New York, 8 June 2010.